

Message Text

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62

ACTION ARA-20

INFO OCT-01 ISO-00 AGR-20 CEA-02 CIAE-00 COME-00 DODE-00

EB-11 FRB-02 H-03 INR-10 INT-08 L-03 LAB-06 NSAE-00

NSC-07 PA-04 RSC-01 AID-20 CIEP-02 SS-20 STR-08

TAR-02 TRSE-00 PRS-01 SP-03 FEA-02 OMB-01 SWF-02

USIE-00 NSCE-00 SSO-00 INRE-00 DRC-01 /160 W

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O R 022133Z MAY 74

FM AMEMBASSY TEGUCIGALPA

TO SECSTATE WASHDC IMMEDIATE 6983

INFO AMEMBASSY BOGOTA

AMEMBASSY GUATEMALA

AMCONSUL GUAYAQUIL

AMEMBASSY MANAGUA

AMEMBASSY PANAMA

AMEMBASSY QUITO

AMEMBASSY SAN JOSE

AMEMBASSY SAN SALVADOR

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GUATEMALA FOR ROCAP

STR FOR EBERLE

ARA/LA FOR SZABO

E.O. 11652: N/A

TAGS: PFOR, ETRD, HO

SUBJECT: MTN DELEGATION BILATERAL DISCUSSIONS: HONDURAS AND

BANANAS -- PART II OF 4 UPEB DRAFT AGREEMENT

REF: TEGUCIGALPA 1827

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SECOND SECTION

THE COUNCIL

ARTICLE 9

THE COUNCIL WILL BE COMPOSED OF A REPRESENTATIVE AND A DEPUTY OF EACH MEMBER STATE, WHO SHOULD BE NATIONALS OF THE COUNTRY THEY REPRESENT AND ACCREDITED BEFORE THE UPEB BY THE REPRESENTATIVE GOVERNMENT, WITH THE CHARACTER OF PERMANENT DELEGATES.

THE REPRESENTATIVES BEFORE THE COUNCIL CAN HAVE ACCOMPANY THEM TO THE MEETINGS WHICH EVER ADVISORS THEY DEEM CONVENIENT.

ARTICLE 10

THE FUNCTIONS OF THE COUNCIL ARE:

A) TO DETERMINE THE POLICIES OF THE UPEB WITHIN THE OBJECTIVES OF THE PRESENT AGREEMENT AND THE GENERAL LINES WHICH THE CONFERENCE OF MINISTERS INDICATES.

B) TO TAKE THE GENERAL STEPS NECESSARY FOR THE APPLICATION OF THE PRESENT AGREEMENT AND OF THE DECISIONS OF THE CONFERENCE OF MINISTERS, AND TO DIRECT THE ADMINISTRATION OF AFFAIRS OF THE UPEB.

C) TO DECIDE ABOUT THE ENTRANCE OF NEW MEMBERS IN CONFORMITY WITH THIS INSTRUMENT AND THE NORMS WHICH IT ESTABLISHES FOR THIS PURPOSE.

D) TO CELEBRATE WITH THIRD COUNTRIES OR OTHER ORGANIZATIONS THE ARRANGEMENTS OR AGREEMENTS WHICH IT CONSIDERS NECESSARY FOR THE CARRYING OUT OF THE OBJECTIVES OF THE ORGANIZATION.

E) TO PROPOSE TO THE CONFERENCE OF MINISTERS THE AMENDMENTS TO THIS AGREEMENT, WHICH MIGHT TEND TO STRENGTHEN THE ORGANIZATION AND IMPROVE ITS FUNCTIONING.

F) TO CONVOKE THE CONFERENCE OF MINISTERS TO EXTRAORDINARY LIMITED OFFICIAL USE

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SESSIONF WHEN IT IS DETERMINED OPPORTUNE.

G) TO DETERMINE THE CONDITIONS FOR CONTRACTING AN EXECUTIVE DIRECTOR.

H) TO NAME THE EXECUTIVE DIRECTOR, IT BEING UNDERSTOOD THAT FOR THIS PURPOSE THE REPRESENTATIVE OF EACH MEMBER COUNTRY WILL CARRY OUT AN EXPRESS AND PREVIOUS CONSULTATION WITH HIS

REPRESENTATIVE GOVERNMENT.

I) APPROVE THE ANNUAL BUDGET WHICH THE EXECUTIVE DIRECTOR WILL ELABORATE.

J) DETERMINE THE CONTRIBUTIONS OR DUES OF THE MEMBER STATES IN ACCORDANCE WITH THAT ESTABLISHED IN THIS CONVENTION OR IN THIS AGREEMENT.

K) DESIGNATE THE EXTERNAL AUDITOR OF THE ORGANIZATION AND STUDY AND APPROVE THE REPORTS WHICH HE PRESENTS.

L) APPROVE THE PLANS AND WORK PROGRAMS WHICH THE EXECUTIVE DIRECTOR SUBMITS.

M) ANALYZE THE REPORTS AND DECIDE ABOUT THE RECOMMENDATIONS WHICH THE EXECUTIVE DIRECTOR PRESENTS.

N) APPROVE THE ANNUAL REPORT OF ACTIVITIES AND THE ACCOUNTING REPORTS OF THE ORGANIZATION WHICH SHOULD BE PRESENTED TO THE GOVERNMENTS OF THE MEMBER COUNTRIES.

O) AUTHORIZE PUBLICATION OF AN ANNUAL REPORT ABOUT THE PRINCIPAL ASPECTS AND ACTIVITIES OF THE ORGANIZATION.

P) ESTABLISH SUCH COMMITTEES OR OPERATING MECHANISMS WHICH ARE REQUIRED BY THE GOOD PROGRESS OF THE UPEB.

Q) DICTATE THE REGULATIONS WHICH ARE NECESSARY FOR FUNCTIONING OF THE ORGANIZATION.

R) IN GENERAL STUDY AND DEAL WITH WHATEVER MATTER OF COMMON INTEREST IS RELATED WITH ACTIVITY OF BANANA PRODUCTION WITHIN LIMITED OFFICIAL USE

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THE AIMS OF PRESENT CONVENTION.

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GUATEMALA FOR ROCAP

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ARTICLE 11

IT SIMILARLY IS A FUNCTION OF THE COUNCIL TO STUDY
AND APPROVE WITHIN THE GENERAL OBJECTIVES OF THIS CONVENTION,
COMPLIMENTARY AGREEMENTS ABOUT THE FOLLOWING SPECIFIC
MATTERS: REGULATION OF SUPPLY OR DEMAND; PRICES; AND
ESTABLISHMENT OF SPECIAL FUNDS. SUCH COMPLIMENTARY
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AGREEMENTS SHOULD CONTAIN PROVISIONS TO PERMIT THEIR
ADEQUATE EXECUTION, ADMINISTRATION, CONTROL AND SUPERVISION.
THEY WILL ALSO INCLUDE THE MANNER OF ADOPTING DECISIONS AND
SYSTEMS OF VOTING, AND THEY WILL ENTER INTO EFFECT
IN THE VARIOUS COUNTRIES IN CONFORMITY WITH THEIR INTERNAL
NORMS. THE COUNCIL CAN ALSO CONCLUDE SPECIFIC AGREEMENTS
WITH IMPORTING COUNTRIES.

ARTICLE 12

THE COUNCIL WILL ALSO BE ABLE TO INSTRUCT THE EXECUTIVE DIRECTOR TO TAKE WHATEVER ACTION IS NECESSARY IN ORDER TO INCORPORATE INTO THE PRESENT AGREEMENT ALL THE COUNTRIES WHICH PRODUCE AND EXPORT BANANAS WHICH DID NOT SUBSCRIBE ORIGINALLY; IT WILL ALSO GIVE HIM GUIDELINES FOR THE CONTACTS WHICH HE SHOULD ESTABLISH WITH OTHER COUNTRIES, ACCORDING TO OBJECTIVES OF THIS INSTRUMENT.

ARTICLE 13

THE COUNCIL WILL MEET AS PERIODICALLY AS NECESSARY, ACCORDING TO HOW ITS OWN REGULATION ESTABLISHES THIS. THE MEETINGS WILL BE HELD AT THE HEADQUARTERS OF THE UPEB UNLESS THE COUNCIL DESIDES OTHERWISE.

ARTICLE 14

EACH MEMBER COUNTRY SHOULD BE INVITED WITH DUE ADVANCE NOTICE, IN ACCORD WITH WHAT THE REGULATIONS ESTABLISH, TO ALL THE MEETINGS OF THE COUNCIL. NEVERTHELESS, IN ORDER TO HOLD A MEETING THE PRESENCE OF AT LEAST THREE-FOURTHS OF THE MEMBERS WILL BE SUFFICIENT. THE DECISIONS OF THE COUNCIL WILL BE ADOPTED BY MEANS OF THE CONSENSUS OF ALL ITS MEMBERS. WHEN A MATTER CANNOT BE RESOLVED IN ONE MEETING, IT WILL BE SUBJECTED ANEW TO STUDY WITH THE AIM OF FINDING FORMULAS WHICH WILL FACILITATE A DECISION BY MEANS OF CONSENSUS. THE MEETING IN WHICH THE MATTER IS CONSIDERED ANEW, SHOULD BE HELD AFTER AT LEAST TWO WEEKS HAVE PASSED SINCE CLOSURE OF THE MEETING IN WHICH THE CONTROVERSIAL MATTER WAS DEBATED. IF IT IS STILL IMPOSSIBLE TO ACHIEVE CONSENSUS, THE QUESTION CAN BE RESOLVED AFTER LIMITED OFFICIAL USE

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THE PASSAGE OF AT LEAST 24 HOURS, BY MEANS OF A MAJORITY OF 95 PERCENT OF THE WEIGHTED VOTES. IN THE EVENT THAT THE INDICATED PERCENTAGE CANNOT BE OBTAINED, A NEW MEETING SHOULD BE CALLED WITHIN A PERIOD OF NOT LESS THAN FIFTEEN DAYS NOR MORE THAN THIRTY, IN WHICH THE DECISION CAN BE ADOPTED WITH A MINIMUM OF 90 PERCENT OF THE WEIGHTED VOTES.

ARTICLE 15

THE MEMBER COUNTRIES WILL DISPOSE IN THE COUNCIL OF A TOTAL OF 1,000 VOTES, DISTRIBUTED IN PROPORTION TO THEIR RESPECTIVE BANANA EXPORTS. EACH TWO YEARS THE COUNCIL WILL EFFECT A DISTRIBUTION OF THE VOTES TAKING AS A BASIS THE STATISTICS OF THE LAST THREE YEARS OF EXPORTS FOR EACH COUNTRY, EXCLUDING THAT OR THOSE YEARS IN WHICH THERE HAVE

OCCURRED APPRECIABLE DROPS IN EXPORTS AS A CONSEQUENCES OF
FORCE MAJEURE. IN THIS LATTER CASE THE DATA OF IMMEDIATELY
PRECEDING YEARS UNAFFECTED BY SUCH EXCEPTIONAL CIRCUMSTANCES
WILL BE UTILIZED. FOR PURPOSES OF THIS ARTICLE THE COUNCIL
WILL USE STATISTICS PREPARED BY THE UPEB ITSELF.

ARTICLE 16

IF A MEMBER COUNTRY CONSIDERS THAT A DECISION OF THE
COUNCIL IN THE MATTERS COVERED IN SUB-PARAGRAPH 6 OF
ARTICLE 6 SHOULD GRAVELY DAMAGE ITS INTEREST, IT CAN APPEAL
SAID DECISION BEFORE THE CONFERENCE OF MINISTERS WHICH WILL
LIMIT ITSELF TO RATIFYING OR DEROGATING THE DECISION.
WHILE THIS APPEAL IS CARRIED OUT, COUNTRIES WHICH CONTRIBUTE
TO TAKING THE DECISION BY THEIR AFFIRMATIVE VOTE, CAN
AGREE WITHIN THE COUNCIL TO PUT THE DECISION INTO PRACTICE
WITH RESPECT TO THEMSELVES.

ARTICLE 17

THE COUNCIL WILL HAVE A PRESIDENT AND A VICE PRESIDENT
WHO WILL REMAIN SIX MONTHS IN THE EXERCISE OF THEIR
FUNCTIONS AND WILL BE DESIGNATED ACCORDING TO THE ALPHA-
BETICAL ORDER OF THE MEMBER COUNTRIES. THE VOTE AND
POSITION OF THE COUNTRY WHICH PROVIDES OVER THE MEETINGS
WILL BE EXPRESSED BY THE FUNCTIONARY PREVIOUSLY DESIGNATED
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BY HIS RESPECTIVE GOVERNMENT. THE POSITIONS OF PRESIDENT
AND VICE PRESIDENT OF THE COUNCIL CANNOT BE FILLED
SIMULTANEOUSLY BY REPRESENTATIVES FROM THE SAME COUNTRY.
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